

REMARKS

Claims 10, 12-15, and 20-22 are currently pending in the above application.

Claims 14 and 22 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite because of the use of the trademark Stanyl®. In response to this rejection, Applicants have amended claims 14 and 22 to further describe the trademark in association with its goods, those being an aliphatic polyamide. As such, Applicants respectfully suggest that the Examiner's rejections are overcome. Reconsideration of claims 14 and 22 are respectfully requested.

Claims 10, 12-15, 21 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Reid et al. in view of the Prior Art disclosed by the Applicant in the specification. Applicants respectfully traverse the Examiner's rejection.

As described in the previous Response, Reid et al. discloses a split cam follower doctor bearing assembly for supporting a rotatable and axially reciprocal shaft and having a journal block enclosed within a housing structure. The Reid et al. disclosure is used in web handling machines of the type typically found in paper and textile mills. The journal block (as well as the housing seals and side plates) is separated into a top and bottom section separably joined at a common interface by connecting bolts, thereby allowing easy access for replacement of components without disturbing the housing bottom portion on the machine frame. As the Examiner indicates, Reid et al. does not disclose the type of materials used for the upper and lower portions.

Claims 10, 12-15, and 21-22 are distinguished from the Reid et al. reference because they each recite a linkshaft bracket for use in a vehicle driveline having a composite upper portion coupled to a lower portion such that the composite linkshaft bracket produced has a natural frequency of a minimum of about 1080 Hertz in the first mode. Further, the Reid reference does not disclose a polymer material used in the

upper composite portion that has a heat distortion temperature of greater than 180 degrees Celsius. Claims 10, and 12-15 are therefore novel, notwithstanding the Reid et al. reference.

With respect to new claims 21-22, Reid et al. does not disclose a linkshaft bracket having a composite upper portion coupled to a stamped metal lower portion, wherein the linkshaft bracket has a natural frequency of a minimum of about 1080 Hertz in the first mode and wherein the polymer material used in the upper composite portion that has a heat distortion temperature of greater than 180 degrees Celsius. Claims 20-22 are therefore novel, notwithstanding the Reid et al. reference.

With respect to the "Prior Art" cited by the Applicant, Applicants first request a further explanation as to what the Examiner believes is the prior art. Applicants do refer to cast iron metal brackets in the prior art, but Applicants only reference to a non-metal bracket is the statement on page 2, paragraph 0005, that "investigations" have been instituted for use in other materials, such as plastics, but that these materials have not been incorporated due to material related problems. Assuming that the prior art consists of a cast iron bracket, which is the only type of prior art specifically disclosed, Applicants respectfully state that claims 10, 12-15, 21 and 22 are novel, notwithstanding the prior art cited, because a portion or all of the bracket in claims 10, 12-15 and 21-22 have a portion of the bracket comprised of a non-metal material.

Section 2143 of the Manual of Patent Examining Procedure states that three basic criteria must be met for establishing a *prima facie* case of obviousness, stating:

"First, there must some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach all of the claim limitations."

"If the examiner does not establish a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." Section 2142 MPEP, ch. 2100, p. 110.

"When the references cited by the Examiner fail to establish a *prima facie* case of obviousness, the rejection is improper and will be overturned."¹ One cannot use hindsight reconstruction, picking and choosing among isolated disclosures in the prior art, to deny that the claimed invention is unobvious.²

Here, the Examiner has not established a *prima facie* case of obviousness because the combination of the Reid et al. and the prior art references cited in the specification do not disclose or suggest all of the limitations as contained in independent claim 10. Specifically, the combination of Reid et al. and the prior art does not disclose a composite linkshaft bracket used in a vehicle driveline having a composite upper section coupled to a lower section produced that has a natural frequency of a minimum of about 1080 Hertz in the first mode.

Also, even assuming *arguendo* that the combination Reid et al. in view of the Prior Art does teach what is disclosed in claim 10, which Applicants do not concede, there is no motivation to combine the references, contrary to the Examiner's analysis. Reid et al. is directed to a machine used in the textile and paper industry, not in a vehicle driveline within the automotive industry. There is no indication in Reid et al. that vibration is a problem in this type of machine, thus there is no reason to replace the bracket in Reid et al. with a synthetic version to improve vibration resistance.

Thus, claims 10, 12, 15 and 21-22 are not obvious in view of the cited prior art. Applicants fully intend to pursue this issue on appeal if the Examiner does not remove this ground of rejection. Reconsideration of claims 10, 12, 15 and 21-22 is thus respectfully requested.

¹ *In re Ochiai*, 71 F.3d 1565, 37 U.S.P.Q.2d 1127 (Fed. Cir. 1995), citing *In re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

² *In re Fine*, 837 F.2d at 1075.

Claim 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Reid in view of the Prior Art disclosed by the Applicant in the specification and further in view of King et al. (U.S. Patent No. 4, 679,676). Applicants respectfully traverse the Examiner's rejection.

As the Examiner indicates on page 4 of the Office Action, King et al. discloses journal blocks made of metal that are used on an overrunning clutch cage assembly. King et al. does not disclose a linkshaft bracket as in the present invention, nor does King et al. disclose a portion of the linkshaft bracket being comprised of a composite material. As such, claim 20 is novel, notwithstanding the King et al. reference.

Further, the Examiner has not established a *prima facie* case of obviousness as required by MPEP 2143 because the combination of the Reid et al. and the prior art references cited in the specification and King et al. do not disclose or suggest all of the limitations as contained in independent claim 20. Specifically, the combination of Reid et al. and the prior art does not disclose a composite linkshaft bracket used in a vehicle driveline having a composite upper section coupled to a metal lower section produced such that the composite linkshaft bracket has a natural frequency of a minimum of about 1080 Hertz in the first mode.

Similarly to above, assuming *arguendo* that the present combination does disclose claim 20, which Applicants do not concede, there is also no motivation to combine references to arrive at the present invention. The Reid et al. and King et al. references are not directed to a bracket used on a vehicle driveline. Reconsideration of claim 20 is thus respectfully requested.

In view of the foregoing amendments and remarks, Applicants submit that claims 10, 12-15, and 20-22 are allowable. Accordingly, allowance of these claims and passage of the application to issuance are respectfully solicited.

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The Examiner is authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0476 in the name of John A. Artz, P.C.

The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 223-9500 if any unresolved matters remain.

Respectfully submitted,

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